

15-005.01 Initial Inspection: The department must conduct an initial on-site inspection to determine compliance with 175 NAC 15-006 and 15-007. This inspection must be conducted within 30 working days, or later when requested by the applicant, of receipt of a completed application for an initial license.. The Department must provide a copy of the inspection report to the respite care service within ten working days after completion of an inspection.

15-005.02 Results of Initial Inspection

15-005.02A When the Department finds that the applicant fully complies with the requirements of 175 NAC 15-006 and 15-007, the Department must issue a license.

15-005.02B When the Department finds that the applicant has complied substantially but has failed to comply fully with the requirements of 175 NAC 15-006 and 15-007 and the failure(s) would not pose an imminent danger of death or physical harm to the client, the Department may issue a provisional license. The provisional license:

1. Is valid for a period of up to one year
2. Is not renewable; and
3. May be converted to a regular license upon a showing that the respite care service fully complies with the requirements for licensure.

15-005.02C When the Department finds that the applicant has one or more violations that create no imminent danger of death or serious physical harm and no direct or immediate adverse relationship to the health, safety or security of the clients in the respite care, the Department may send a letter to the service requesting a statement of compliance. The letter must include:

EFFECTIVE DATE
May 18, 2003

NEBRASKA HEALTH AND HUMANS SERVICES
REGULATION AND LICENSURE

175 NAC 15

1. A description of each violation;
2. A request that the applicant submit a statement of compliance within ten working days; and
3. A notice that the Department may take further steps if the statement of compliance is not submitted.

15-005.02D The Statement of Compliance: The statement of compliance must indicate any steps that have been or will be taken to correct each violation and the estimated time necessary to correct each violation. Based on the statement of compliance, the department must take one of the following actions:

1. If the applicant submits a statement of compliance that indicates a good faith effort to correct the violations, the Department must issue a regular license or a provisional license; or
2. If the applicant fails to submit and implement a statement of compliance that indicates a good faith effort to correct the violations, the Department may deny the license.

15-005.02E When the Department finds that the applicant fails to meet the requirements of 175 NAC 15-006 and 15-007 and the failure(s) would create an imminent danger of death or serious physical harm, the Department must deny the license.